

APPEAL,CLOSED,JURY,MEDIATION,STAYED,TYPE-L

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-01613-TJK
Internal Use Only

JALLOH v. UNDERWOOD et al
Assigned to: Judge Timothy J. Kelly
Demand: \$5,000,000
Cause: 42:1983 Civil Rights Act

Date Filed: 08/08/2016
Date Terminated: 11/01/2022
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

USMAN JALLOH

represented by **Donald Frank Rosendorf**
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V.

Defendant

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TERMINATED: 10/28/2021

Defendant

PHILIP TRIDICO
Officer, 6th District
TERMINATED: 01/11/2018

Defendant

ARTHUR KIMBALL
SGT, 3rd District

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Defendant

DISTRICT OF COLUMBIA
TERMINATED: 12/06/2016

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Defendant

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TERMINATED: 10/28/2021

Defendant

THOMAS ANDERSON
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benjamin E. Rupert
(See above for address)
TERMINATED: 09/23/2022

Gessesse Teferi
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Date Filed	#	Docket Text
08/08/2016	<u>1</u>	COMPLAINT against ALL DEFENDANTS with Jury Demand (Filing fee \$ 400 receipt number 0090-4631966) filed by USMAN JALLOH. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Civil Cover Sheet)(Rosendorf, Donald) (Entered: 08/08/2016)
08/08/2016		Case Assigned to Judge James E. Boasberg. (md) (Entered: 08/09/2016)
08/09/2016	<u>2</u>	SUMMONS (6) Issued Electronically as to THOMAS ANDERSON, DISTRICT OF COLUMBIA, ARTHUR KIMBALL, SEAN MILLER, PHILIP TRIDICO, ROBERT UNDERWOOD. (Attachment: # <u>1</u> Consent Forms)(jd) (Entered: 08/09/2016)
10/06/2016	<u>3</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Text of Proposed Order)(Jackson, David) (Entered: 10/06/2016)
10/06/2016		MINUTE ORDER granting <u>3</u> Consent Motion for Extension of Time to File. The Court ORDERS that Defendant District of Columbia shall file its response on or before November 10, 2016. Signed by Judge James E. Boasberg on 10/06/16. (lcjeb3) (Entered: 10/06/2016)
10/06/2016		Set/Reset Deadline: Defendant District of Columbia shall file its response on or before 11/10/2016. (ad) (Entered: 10/06/2016)
10/11/2016	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on the Mayor of the District of Columbia. Date of Service Upon the Mayor for the District of Columbia on 9/26/16., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service Upon District of Columbia Attorney General 9/20/2016. (Answer due for ALL D.C. DEFENDANTS by 10/11/2016.) (td) (Entered: 10/12/2016)
11/07/2016	<u>5</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Text of Proposed Order)(Jackson, David) (Entered: 11/07/2016)
11/07/2016		MINUTE ORDER granting <u>5</u> Consent Motion for Extension of Time to File. The Court ORDERS that Defendant District of Columbia shall file its response to the complaint on or before November 21, 2016. Signed by Judge James E. Boasberg on 11/07/2016. (lcjeb3) (Entered: 11/07/2016)
11/08/2016		Set/Reset Deadline: Defendant District of Columbia shall file its response to the complaint on or before 11/21/2016. (ad) (Entered: 11/08/2016)
11/17/2016	<u>6</u>	MOTION to Dismiss by DISTRICT OF COLUMBIA (Attachments: # <u>1</u> Text of Proposed Order)(Jackson, David) (Entered: 11/17/2016)
12/06/2016		MINUTE ORDER: Given that Plaintiff has failed to timely respond to the District of Columbia's Motion to Dismiss, the Court ORDERS that: 1) The <u>6</u> Motion is GRANTED, and 2) The case against the District only is DISMISSED WITHOUT PREJUDICE. Signed by Judge James E. Boasberg on 12/06/2016. (lcjeb3) (Entered: 12/06/2016)
12/06/2016		MINUTE ORDER: As Plaintiff has failed to provide proof of service on any individual Defendant, the Court ORDERS that if he does not provide such proof by

		December 20, 2016, the case will be dismissed without prejudice against any unserved Defendant under Fed. R. Civ. P. 4(m). Signed by Judge James E. Boasberg on 12/06/2016. (lcjeb3) (Entered: 12/06/2016)
12/06/2016		Set/Reset Deadlines: Provide proof of service on any individual Defendant, due by 12/20/2016. (znbn) (Entered: 12/07/2016)
12/21/2016	<u>7</u>	MOTION for Extension of Time to <i>Serve Defendant Police Officers</i> by USMAN JALLOH (Rosendorf, Donald) (Entered: 12/21/2016)
12/21/2016	<u>8</u>	NOTICE of affidavit by process server by USMAN JALLOH re <u>7</u> MOTION for Extension of Time to <i>Serve Defendant Police Officers</i> (Rosendorf, Donald) (Entered: 12/21/2016)
12/21/2016		MINUTE ORDER granting in part and denying in part <u>7</u> Motion for Extension of Time to Serve. The Court ORDERS that Plaintiff shall serve Defendants on or before January 27, 2017, and that service must be made without the assistance of the U.S. Marshals. Signed by Judge James E. Boasberg on 12/21/16. (lcjeb2) (Entered: 12/21/2016)
12/21/2016		Set/Reset Deadlines: Plaintiff shall serve Defendants on or before 1/27/2017. (nbn) (Entered: 12/22/2016)
01/27/2017	<u>9</u>	MOTION for Extension of Time to <i>Serve Defendants</i> by USMAN JALLOH (Rosendorf, Donald) (Entered: 01/27/2017)
01/27/2017		MINUTE ORDER: The Court ORDERS that Plaintiff's <u>9</u> Motion is GRANTED IN PART, and he may have until March 3, 2017, to file proof of service on the officer Defendants. Signed by Judge James E. Boasberg on 1/27/2017. (lcjeb3) (Entered: 01/27/2017)
01/27/2017		Set/Reset Deadlines: Time to effectuate service upon party due by 3/3/2017. (nbn) (Entered: 01/27/2017)
02/24/2017	<u>10</u>	ENTERED IN ERROR.....Summons Returned Unexecuted by USMAN JALLOH as to PHILIP TRIDICO. (Attachments: # <u>1</u> Summons)(Rosendorf, Donald) Modified on 2/27/2017 (znmw). (Entered: 02/24/2017)
02/27/2017		NOTICE OF ERROR re <u>10</u> Summons Returned Unexecuted; emailed to drosendor@aol.com, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Document incomplete/illegible, 2. Incorrect event used, 3. Please refile document, 4. ENTERED IN ERROR; Proof of service (page 2) not completed/signed; If summons are meant to be reissued, refile as a Request for Summons to Issue. (znmw,) (Entered: 02/27/2017)
03/01/2017	<u>11</u>	REQUEST FOR SUMMONS TO ISSUE filed by USMAN JALLOH. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Rosendorf, Donald) (Entered: 03/01/2017)
03/02/2017	<u>12</u>	SUMMONS (5) Reissued Electronically as to THOMAS ANDERSON, ARTHUR KIMBALL, SEAN MILLER, PHILIP TRIDICO, ROBERT UNDERWOOD (znmw) (Entered: 03/02/2017)
03/02/2017	<u>13</u>	MOTION for Extension of Time to by USMAN JALLOH (Rosendorf, Donald) (Entered: 03/02/2017)
03/02/2017		

		MINUTE ORDER granting <u>13</u> Motion for Extension of Time to Serve. The Court ORDERS that Plaintiff shall serve Defendants on or before April 17, 2017, and that service can be made with the assistance of the U.S. Marshals. Signed by Judge James E. Boasberg on 3/2/2017. (lcjeb3) (Entered: 03/02/2017)
03/02/2017		Set/Reset Deadlines: Time to effectuate service upon party due by 4/17/2017. (nbn) (Entered: 03/03/2017)
04/17/2017	<u>14</u>	ENTERED IN ERROR.....NOTICE of suit by USMAN JALLOH (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Rosendorf, Donald) Modified on 4/18/2017 (znmw). (Entered: 04/17/2017)
04/17/2017		MINUTE ORDER: The Court issued a Minute Order on March 2, 2017, directing Plaintiff to serve Defendants by April 17, 2017. Today, Plaintiff has filed a series of summonses, but no proof of service. The Court, accordingly, ORDERS that by May 1, 2017, Plaintiff shall show cause why the case should not be dismissed for failure to effect service. Signed by Judge James E. Boasberg on 4/17/2017. (lcjeb3) (Entered: 04/17/2017)
04/17/2017		Set/Reset Deadlines: Plaintiff shall show cause why the case should not be dismissed for failure to effect service by 5/1/2017. (nbn) (Entered: 04/17/2017)
04/18/2017		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>14</u> Notice (Other) was entered in error (incorrect event used; incorrect summonses attached) and counsel is instructed to refile accordingly. (znmw) (Entered: 04/18/2017)
05/01/2017	<u>15</u>	RESPONSE TO ORDER OF THE COURT re Order, filed by USMAN JALLOH. (Rosendorf, Donald) (Entered: 05/01/2017)
05/03/2017		MINUTE ORDER: In light of Plaintiff's <u>15</u> Response to the Court, the Court ORDERS that Plaintiff may have until June 2, 2017, to file proofs of service. Signed by Judge James E. Boasberg on 5/3/2017. (lcjeb3) (Entered: 05/03/2017)
05/03/2017		Set/Reset Deadlines: Time to effectuate service upon party due by 6/2/2017. (nbn) (Entered: 05/03/2017)
06/02/2017	<u>16</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ROBERT UNDERWOOD served on 5/17/2017, answer due 6/7/2017 (Rosendorf, Donald) Modified party served on 6/5/2017 (znmw). (Entered: 06/02/2017)
06/02/2017	<u>17</u>	NOTICE by USMAN JALLOH (Rosendorf, Donald) (Entered: 06/02/2017)
06/07/2017	<u>18</u>	MOTION to Transfer Case by THOMAS ANDERSON, SEAN MILLER (Teferi, Gessesse). Added MOTION to Dismiss on 6/8/2017 (znmw). (Entered: 06/07/2017)
06/08/2017	<u>19</u>	ANSWER to Complaint with Jury Demand by ROBERT UNDERWOOD.(Jackson, David) (Entered: 06/08/2017)
06/16/2017	<u>20</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION to Transfer Case MOTION to Dismiss by ROBERT UNDERWOOD (Attachments: # <u>1</u> Text of Proposed Order)(Jackson, David) (Entered: 06/16/2017)
06/16/2017		MINUTE ORDER granting <u>20</u> Consent Motion for Extension of Time to File. The Court ORDERS that Defendant Underwood shall file an opposition to Defendants Miller and Anderson's motion to dismiss or in the alternative to transfer the case by June 28, 2017. Signed by Judge James E. Boasberg on 6/16/17. (lcjeb3) (Entered: 06/16/2017)

06/16/2017		Set/Reset Deadlines: Opposition due by 6/28/2017. (nbn) (Entered: 06/16/2017)
06/16/2017		Set/Reset Deadlines: Meet & Confer Statement due by 6/28/2017. (nbn) (Entered: 06/16/2017)
06/19/2017	<u>21</u>	Summons Returned Unexecuted as to ARTHUR KIMBALL, PHILIP TRIDICO. (td) (Entered: 06/21/2017)
06/27/2017	<u>22</u>	MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Attachments: # <u>1</u> Order)(Rosendorf, Donald) (Entered: 06/27/2017)
06/28/2017		MINUTE ORDER granting <u>22</u> Motion for Extension of Time to File. The Court ORDERS that Plaintiff and Defendant Underwood shall respond by July 7, 2017, to the Motion of Defendants Miller and Anderson to dismiss or transfer this case, and that the parties shall file a Meet and Confer Statement and Scheduling Order by July 7, 2017. Signed by Judge James E. Boasberg on 6/28/2017. (lcjeb3) (Entered: 06/28/2017)
06/28/2017		Set/Reset Deadlines: Respond by 7/7/2017. Meet & Confer Statement due by 7/7/2017. (nbn) (Entered: 06/28/2017)
07/07/2017	<u>23</u>	WITHDRAWN PURSUANT TO MINUTE ORDER FILED 8/29/2017..... MOTION to Dismiss by THOMAS ANDERSON, SEAN MILLER (Attachments: # <u>1</u> Memorandum in Support)(Teferi, Gessesse) Modified on 8/30/2017 (znmw). (Entered: 07/07/2017)
07/07/2017	<u>24</u>	Memorandum in opposition to re <u>18</u> MOTION to Dismiss, MOTION to Transfer Case filed by ROBERT UNDERWOOD. (Jackson, David) Modified link on 7/10/2017 (znmw). (Entered: 07/07/2017)
07/07/2017	<u>25</u>	RESPONSE re <u>18</u> MOTION to Transfer Case MOTION to Dismiss filed by USMAN JALLOH. (Rosendorf, Donald) (Entered: 07/07/2017)
07/07/2017	<u>26</u>	MEET AND CONFER STATEMENT. (Rosendorf, Donald) (Entered: 07/07/2017)
07/07/2017	<u>27</u>	NOTICE of Proposed Order by USMAN JALLOH (Rosendorf, Donald) (Entered: 07/07/2017)
07/13/2017	<u>28</u>	REPLY to opposition to motion re <u>18</u> MOTION to Transfer Case MOTION to Dismiss filed by THOMAS ANDERSON, SEAN MILLER. (Attachments: # <u>1</u> Text of Proposed Order)(Teferi, Gessesse) (Entered: 07/13/2017)
07/21/2017	<u>29</u>	MOTION for Extension of Time to File Response/Reply as to <u>23</u> MOTION to Dismiss by USMAN JALLOH (Rosendorf, Donald) (Entered: 07/21/2017)
07/21/2017		MINUTE ORDER GRANTING <u>29</u> Motion for Extension of Time to File. The Court ORDERS that Plaintiff shall file its Response/Reply to Defendants' Motion to Dismiss on or before August 4, 2017. Signed by Judge James E. Boasberg on 7/21/2017. (lcjeb1) (Entered: 07/21/2017)
07/21/2017		Set/Reset Deadlines: Answer due by 8/4/2017. (nbn) (Entered: 07/21/2017)
08/04/2017	<u>30</u>	MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Rosendorf, Donald) (Entered: 08/04/2017)
08/04/2017	<u>31</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. SEAN MILLER served on 5/2/2017, answer due 6/7/2017 (Attachments: # <u>1</u> Return of

		Service)(Rosendorf, Donald) Modified party served on 8/7/2017 (znmw). (Entered: 08/04/2017)
08/07/2017		MINUTE ORDER GRANTING <u>30</u> Motion for Extension of Time to File. The Court ORDERS that Plaintiff shall file its Response/Reply to Defendants' Motion to Dismiss on or before August 11, 2017. Signed by Judge James E. Boasberg on 8/7/2017. (lcjeb3) (Entered: 08/07/2017)
08/07/2017		Set/Reset Deadlines: Replies due by 8/11/2017. (nbn) (Entered: 08/07/2017)
08/07/2017		Set/Reset Deadlines: Joint Status Report due by 9/11/2017. (nbn) (Entered: 08/07/2017)
08/11/2017	<u>32</u>	RESPONSE re <u>23</u> MOTION to Dismiss filed by USMAN JALLOH. (Attachments: # <u>1</u> affidavit of process server, # <u>2</u> return of service, # <u>3</u> return of service)(Rosendorf, Donald) (Entered: 08/11/2017)
08/18/2017	<u>33</u>	MOTION for Extension of Time to by THOMAS ANDERSON, SEAN MILLER (Attachments: # <u>1</u> Text of Proposed Order)(Teferi, Gessesse) (Entered: 08/18/2017)
08/18/2017		MINUTE ORDER GRANTING Consent <u>33</u> Motion for Extension of Time to File. The Court ORDERS that Defendants shall file their Reply on or before August 28, 2017. Signed by Judge James E. Boasberg on 8/18/2017. (lcjeb3) (Entered: 08/18/2017)
08/18/2017		Set/Reset Deadlines: Replies due by 8/28/2017. (znbn) (Entered: 08/21/2017)
08/28/2017	<u>34</u>	ENTERED IN ERROR.....RESPONSE re <u>23</u> MOTION to Dismiss , <u>33</u> MOTION for Extension of Time to filed by THOMAS ANDERSON, SEAN MILLER. (Teferi, Gessesse) Modified on 8/29/2017 (znmw). (Entered: 08/28/2017)
08/29/2017		NOTICE OF ERROR re <u>34</u> Response to motion; emailed to gteferi@co.pg.md.us, cc'd 5 associated attorneys — The PDF file you docketed contained errors: 1. Please refile document, 2. ENTERED IN ERROR; Title of document doesn't match docket entry; Please amend and refile. (znmw,) (Entered: 08/29/2017)
08/29/2017	<u>35</u>	REPLY to Opposition <u>23</u> MOTION to Dismiss by THOMAS ANDERSON, SEAN MILLER (Teferi, Gessesse) Modified event title on 8/29/2017 (znmw). (Entered: 08/29/2017)
08/29/2017		MINUTE ORDER: Given Defendants' representations in their <u>35</u> Reply, the Court ORDERS that their <u>23</u> Motion to Dismiss is WITHDRAWN. Signed by Judge James E. Boasberg on 8/29/2017. (lcjeb3) (Entered: 08/29/2017)
08/29/2017		MINUTE ORDER: The Court ORDERS that by September 5, 2017, Plaintiff shall provide the Court with a status report regarding service on Defendants Tridico and Kimball. Signed by Judge James E. Boasberg on 8/29/2017. (lcjeb3) (Entered: 08/29/2017)
08/29/2017		Set/Reset Deadlines: Status Report due by 9/5/2017. (nbn) (Entered: 08/30/2017)
09/05/2017	<u>36</u>	REQUEST FOR SUMMONS TO ISSUE re <u>1</u> Complaint, filed by USMAN JALLOH. Related document: <u>1</u> Complaint, filed by USMAN JALLOH. (Attachments: # <u>1</u> Summons)(Rosendorf, Donald) (Entered: 09/05/2017)
09/05/2017	<u>37</u>	STATUS REPORT by USMAN JALLOH. (Rosendorf, Donald) (Entered: 09/05/2017)

09/06/2017	<u>38</u>	SUMMONS (2) Reissued Electronically as to ARTHUR KIMBALL, PHILIP TRIDICO (znmw) (Entered: 09/06/2017)
09/06/2017	<u>39</u>	MOTION for Extension of Time to <i>serve defendants Tridico and Kimball</i> by USMAN JALLOH (Attachments: # <u>1</u> Return of Service, # <u>2</u> return of service)(Rosendorf, Donald) (Entered: 09/06/2017)
09/07/2017		MINUTE ORDER granting <u>39</u> Motion for Extension of Time to serve Defendants Philip Tridico and Arthur Kimball. It is hereby ORDERED that Plaintiff's Motion is GRANTED, and Plaintiff shall have up to and including October 6, 2017, in which to serve Defendants Tridico and Kimball. Signed by Judge James E. Boasberg on 9/7/17. (lcjeb1) (Entered: 09/07/2017)
09/07/2017		Set/Reset Deadlines: Time to effectuate service upon party due by 10/6/2017. (nbn) (Entered: 09/07/2017)
09/11/2017	<u>40</u>	STATUS REPORT by USMAN JALLOH. (Rosendorf, Donald) (Entered: 09/11/2017)
09/14/2017		Case directly reassigned to Judge Timothy J. Kelly. Judge James E. Boasberg is no longer assigned to the case. (ztnr) (Entered: 09/14/2017)
10/06/2017	<u>41</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. USMAN JALLOH served on 10/1/2017, answer due 10/22/2017 (Rosendorf, Donald) (Entered: 10/06/2017)
10/06/2017	<u>42</u>	MOTION for Extension of Time to <i>serve defendant Tridico</i> by USMAN JALLOH (Attachments: # <u>1</u> certified mail green card)(Rosendorf, Donald) (Entered: 10/06/2017)
10/12/2017		MINUTE ORDER granting Plaintiff's <u>42</u> MOTION for Extension of Time to serve Defendant Tridico. It is hereby ORDERED, nunc pro tunc to 10/6/2017, that Plaintiff's Motion is GRANTED, and that Plaintiff shall have up to and including October 13, 2017, in which to serve Defendant Tridico. Signed by Judge Timothy J. Kelly on 10/12/2017. (lctjk2) (Entered: 10/12/2017)
12/05/2017		MINUTE ORDER: An Initial Scheduling Conference is set for January 9, 2018, at 10:00 a.m. before Judge Timothy J. Kelly in Courtroom 11. The parties shall meet, confer, and submit a joint report pursuant to FRCP 26(f) and Local Rule 16.3. Signed by Judge Timothy J. Kelly on 12/5/2017. (lctjk3) (Entered: 12/05/2017)
12/08/2017		MINUTE ORDER: The Initial Scheduling Conference currently scheduled for 10:00 a.m. on January 9, 2018 is hereby rescheduled to 2:00 p.m. that same day before Judge Timothy J. Kelly in Courtroom 11. The parties shall still meet, confer, and submit a joint report pursuant to FRCP 26(f) and Local Rule 16.3. Signed by Judge Timothy J. Kelly on 12/8/2017. (lctjk3) (Entered: 12/08/2017)
12/08/2017		Set/Reset Hearings: Initial Scheduling Conference set for 1/9/2018 at 2:00 PM in Courtroom 11 before Judge Timothy J. Kelly. (kh) (Entered: 12/08/2017)
12/26/2017	<u>43</u>	MEET AND CONFER STATEMENT. (Rosendorf, Donald) (Entered: 12/26/2017)
01/09/2018		Minute Entry for proceedings held before Judge Timothy J. Kelly: Status Conference held on 1/9/2018. Motion <u>18</u> to Transfer Case/Motion to Dismiss DENIED for reasons stated on the record. Opinion and Scheduling Order to be issued. Status Conference set for 7/10/2018 at 9:30 AM in Courtroom 11 before Judge Timothy J.

		Kelly. (Court Reporter Timothy Miller.) (kh) (Entered: 01/09/2018)
01/11/2018		MINUTE ORDER: As the Court ruled at the January 9, 2018 Initial Scheduling Conference, pursuant to Federal Rule of Civil Procedure 4(m), the case against defendant Tridico is DISMISSED WITHOUT PREJUDICE. Signed by Judge Timothy J. Kelly on 1/11/2018. (lctjk3) (Entered: 01/11/2018)
01/11/2018	<u>44</u>	SCHEDULING ORDER: Amended pleadings and joinder of additional parties due by 1/29/2018. Rule 26(a)(1) initial disclosures due by 2/8/2018. Defendants Kimball and Anderson shall respond to the complaint by 2/13/2018. Plaintiff's expert disclosures due by 3/30/2018. Defendants' expert disclosures due by 4/27/2018. Discovery closes on 6/30/2018. Post-discovery status conference set for 7/10/2018 at 9:30 a.m. in Courtroom 11. See Order for details. Signed by Judge Timothy J. Kelly on 1/11/2018. (lctjk3) (Entered: 01/11/2018)
01/11/2018		Set/Reset Deadlines: Kimball and Anderson Answer due by 2/13/2018. (kh) (Entered: 01/11/2018)
01/29/2018	<u>45</u>	ANSWER to <u>1</u> Complaint by SEAN MILLER.(Teferi, Gessesse) Modified to add link on 1/30/2018 (znmw). (Entered: 01/29/2018)
02/08/2018	<u>46</u>	RULE 26a1 STATEMENT. (Rosendorf, Donald) (Entered: 02/08/2018)
02/13/2018	<u>47</u>	ANSWER to <u>1</u> Complaint, by THOMAS ANDERSON.(Teferi, Gessesse) (Entered: 02/13/2018)
02/15/2018	<u>48</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by ARTHUR KIMBALL.(Jackson, David) (Entered: 02/15/2018)
03/02/2018	<u>49</u>	ORDER denying Motion <u>18</u> to Dismiss or Transfer Case. See the attached Order for additional details. Signed by Judge Timothy J. Kelly on 3/2/2018. (lctjk3) (Entered: 03/02/2018)
03/02/2018	<u>50</u>	MEMORANDUM OPINION in support of <u>49</u> Order denying Motion <u>18</u> to Dismiss or Transfer Case. Signed by Judge Timothy J. Kelly on 3/2/2018. (lctjk3) (Entered: 03/02/2018)
06/27/2018	<u>51</u>	MOTION for Extension of Time to Complete Discovery by USMAN JALLOH (Rosendorf, Donald). Added MOTION to Amend Scheduling Order on 6/28/2018 (tth). (Entered: 06/27/2018)
06/28/2018		MINUTE ORDER granting in part the parties' <u>51</u> Joint Motion to Extend Discovery Cutoff and Amend Scheduling Order. It is hereby ORDERED that fact discovery shall close on September 28, 2018. It is further ORDERED that the post-discovery status conference currently scheduled for July 10, 2018, is hereby CONTINUED until October 9, 2018, at 10:00 a.m. in Courtroom 11. Signed by Judge Timothy J. Kelly on 6/28/2018. (lctjk3) (Entered: 06/28/2018)
09/27/2018	<u>52</u>	MOTION for Extension of Time to Complete Discovery by USMAN JALLOH (Rosendorf, Donald) (Entered: 09/27/2018)
09/28/2018		MINUTE ORDER granting <u>52</u> Joint Motion for Second Discovery Extension. It is hereby ORDERED that fact discovery shall close on November 13, 2018. It is further ORDERED that the post-discovery status conference currently scheduled for October 9, 2018, is hereby CONTINUED until November 15, 2018, at 9:30 a.m. in Courtroom 11. The Court notes that the Motion does not necessarily reflect diligence on the part

		of the parties; as such, the Court will look with great skepticism on additional requests to extend the discovery period. Signed by Judge Timothy J. Kelly on 9/28/2018. (lctjk3) (Entered: 09/28/2018)
11/02/2018		NOTICE OF COURTROOM CHANGE. Status Conference set for 11/15/2018 at 9:30 AM in Courtroom 19 before Judge Timothy J. Kelly. (kh) (Entered: 11/02/2018)
11/15/2018		Minute Entry for proceedings held before Judge Timothy J. Kelly: Status Conference held on 11/15/2018. Discovery extended to 12/18/2018 for the sole purpose of completing depositions, as discussed on the record. Post-Discovery Status Conference set for 1/9/2019 at 10:00 AM in Courtroom 11 before Judge Timothy J. Kelly. (Court Reporter: Timothy Miller) (kh) (Entered: 11/15/2018)
01/09/2019		Minute Entry for proceedings held before Judge Timothy J. Kelly: Status Conference held on 1/9/2019. Briefing schedule set for Summary Judgment Motions as follows: Summary Judgment Motions due by 2/25/2019. Responses to Motions due by 3/11/2019. Any Replies to Motions due by 3/18/2019. Order to be issued by the court. (Court Reporter: Timothy Miller) (kh) (Entered: 01/09/2019)
01/09/2019		MINUTE ORDER: As discussed at today's status conference, it is hereby ORDERED that Defendants shall file any motions for summary judgment by February 25, 2019; Plaintiff's response shall be due by March 11, 2019; and Defendants' replies shall be due by March 18, 2019. Signed by Judge Timothy J. Kelly on 1/9/2019. (lctjk3) (Entered: 01/09/2019)
01/17/2019		MINUTE ORDER REGARDING SUMMARY JUDGMENT BRIEFING: (1) The Court strictly adheres to the dictates of Local Civil Rule 7(h), which requires that each party submitting a motion for summary judgment attach a statement of material facts for which that party contends there is no genuine dispute, with specific citations to those portions of the record upon which the party relies in fashioning the statement. The party opposing the motion must, in turn, submit a statement enumerating all material facts which the party contends are genuinely disputed and thus require trial. (2) The parties must furnish precise citations to the portions of the record on which they rely; the Court need not consider materials not specifically identified. See Fed. R. Civ. P. 56(c)(3). (3) The moving party's statement of material facts shall be a short and concise statement, in numbered paragraphs, of all material facts as to which the moving party claims there is no genuine dispute. The statement must contain only one factual assertion in each numbered paragraph. (4) The party responding to a statement of material facts must respond to each paragraph with a correspondingly numbered paragraph, indicating whether that paragraph is admitted or denied. If a paragraph is admitted only in part, the party must specifically identify which parts are admitted and which parts are denied. (5) The Court may assume that facts identified by the moving party in its statement of material facts are admitted, unless such facts are controverted in the statement filed in opposition to the motion. (6) The responding party must include any information relevant to its response in its correspondingly numbered paragraph, with specific citations to the record. However, if the responding party has additional facts that are not directly relevant to its response, it must identify such facts in consecutively numbered paragraphs at the end of its responsive statement of facts. If additional factual allegations are made, the opponent must file a responsive statement of its own. (7) The Court may strike any papers filed that are not in conformity with this order or the applicable rules. Signed by Judge Timothy J. Kelly on 1/17/2019. (lctjk3) (Entered: 01/17/2019)
02/22/2019	<u>53</u>	

		Consent MOTION for Extension of Time to <i>File Dispositive Motion</i> by ROBERT UNDERWOOD (Attachments: # <u>1</u> Text of Proposed Order)(Jackson, David) (Entered: 02/22/2019)
02/25/2019	<u>54</u>	MOTION for Summary Judgment by THOMAS ANDERSON, SEAN MILLER (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Appendix, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit)(Teferi, Gessesse) (Entered: 02/25/2019)
02/26/2019		MINUTE ORDER granting in part Defendant Underwood's <u>53</u> Consent Motion for Extension of Time to File Dispositive Motion. Because this is a consent motion for a short extension, it is hereby ORDERED, nunc pro tunc to February 25, 2019, that Defendant Underwood's <u>53</u> motion for an extension to file his motion for summary judgment is GRANTED IN PART. It is further ORDERED that Defendant Underwood shall file any motion for summary judgment by March 4, 2019; Plaintiff's response shall be due by March 18, 2019; and Defendant Underwood's reply shall be due by March 25, 2019. Signed by Judge Timothy J. Kelly on 2/26/2019. (lctjk3) (Entered: 02/26/2019)
02/26/2019	<u>55</u>	ERRATA by THOMAS ANDERSON, SEAN MILLER (Attachments: # <u>1</u> Exhibit)(Teferi, Gessesse); Modified event and text on 3/1/2019 (tth). (Entered: 02/26/2019)
03/04/2019	<u>56</u>	MOTION for Partial Summary Judgment by ARTHUR KIMBALL, ROBERT UNDERWOOD (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit Ex. 1–Pl's Answer to INT, # <u>4</u> Exhibit Ex. 2–Pl's Dep Tr., # <u>5</u> Exhibit Ex. 3–Video, # <u>6</u> Exhibit Ex. 4–Underwood Dep. Tr., # <u>7</u> Exhibit Ex. 5–Tridico Dep. Tr., # <u>8</u> Exhibit Ex. 6–App. for Arrest Warrant, # <u>9</u> Exhibit Ex. 7–Arrest Report, # <u>10</u> Exhibit Ex. 8–Prelim Hearing Tr., # <u>11</u> Exhibit Ex. 9–Indictment, # <u>12</u> Exhibit Ex. 10–Third Motion to Dismiss, # <u>13</u> Exhibit Ex. 11–Sup. CT. Docket, # <u>14</u> Text of Proposed Order)(Jackson, David) (Entered: 03/04/2019)
03/08/2019	<u>57</u>	MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Rosendorf, Donald) (Entered: 03/08/2019)
03/11/2019	<u>58</u>	Notice of Proposed Order re <u>57</u> MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Rosendorf, Donald); Modified event and text on 3/12/2019 (tth). (Entered: 03/11/2019)
03/11/2019		MINUTE ORDER granting Plaintiff's <u>57</u> Consent Motion for Extension of Time to File Response/Reply. It is hereby ORDERED that Plaintiff's <u>57</u> motion for an extension to file his response to Defendants Anderson and Miller's <u>54</u> Motion for Summary Judgment is GRANTED. It is further ORDERED that Plaintiff shall file his response to Defendants Anderson and Miller's <u>54</u> Motion for Summary Judgment by March 25, 2019; Defendants Anderson and Miller shall file their reply by April 1, 2019. Signed by Judge Timothy J. Kelly on 3/11/2019. (lctjk3) (Entered: 03/11/2019)
03/25/2019	<u>59</u>	MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Rosendorf, Donald) (Entered: 03/25/2019)
03/25/2019		MINUTE ORDER denying in part Plaintiff's <u>59</u> Motion for Extension of Time. It is hereby ORDERED that Defendants Anderson and Miller shall file their opposition, if any, to Plaintiff's motion by March 27, 2019. Further, the Court notes that Plaintiff's response to Defendant Kimball and Underwood's <u>56</u> Motion for Partial Summary Judgment was due on March 18, 2019. Plaintiff does not assert in his motion for an

		extension that he has shown "excusable neglect" as required by Fed. R. Civ. P. 6(b)(1)(B), nor does he address the four-factor test for excusable neglect adopted by the D.C. Circuit. Accordingly, it is further ORDERED that Plaintiff's <u>59</u> Motion for Extension of Time is DENIED WITHOUT PREJUDICE as to his response to Defendant Kimball and Underwood's <u>56</u> Motion for Partial Summary Judgment. Signed by Judge Timothy J. Kelly on 3/25/2019. (lctjk3) (Entered: 03/25/2019)
03/27/2019	<u>60</u>	MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Rosendorf, Donald) (Entered: 03/27/2019)
04/02/2019	<u>61</u>	NOTICE by ARTHUR KIMBALL, ROBERT UNDERWOOD re <u>60</u> MOTION for Extension of Time to File Response/Reply (Jackson, David) (Entered: 04/02/2019)
04/02/2019		MINUTE ORDER granting Plaintiff's <u>59</u> <u>60</u> Motions for Extension of Time. It is hereby ORDERED that Plaintiff shall file his response to Defendants Anderson and Miller's <u>54</u> Motion for Summary Judgment by April 8, 2019; Defendants Anderson and Miller shall file their reply by April 15, 2019. It is further ORDERED that Plaintiff shall file his response to Defendants Kimball and Underwood's <u>56</u> Motion for Partial Summary Judgment by April 17, 2019; Defendants Kimball and Underwood shall file their reply by April 24, 2019. Signed by Judge Timothy J. Kelly on 4/2/2019. (lctjk3) (Entered: 04/02/2019)
04/09/2019	<u>62</u>	MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Rosendorf, Donald) (Entered: 04/09/2019)
04/09/2019		MINUTE ORDER granting Plaintiff's <u>62</u> Motion for Extension of Time. It is hereby ORDERED that Plaintiff shall file his response to Defendants Anderson and Miller's <u>54</u> Motion for Summary Judgment by April 9, 2019; Defendants Anderson and Miller shall file their reply by April 16, 2019. Signed by Judge Timothy J. Kelly on 4/9/2019. (lctjk3,) (Entered: 04/09/2019)
04/09/2019	<u>63</u>	Memorandum in opposition to re <u>54</u> MOTION for Summary Judgment by THOMAS ANDERSON, SEAN MILLER filed by USMAN JALLOH. (Rosendorf, Donald); Modified docket entry relationship and text on 4/10/2019 (tth). (Entered: 04/09/2019)
04/10/2019	<u>64</u>	ENTERED IN ERROR..... MOTION for Leave to File by USMAN JALLOH (Attachments: # <u>1</u> deposition page, # <u>2</u> deposition page, # <u>3</u> deposition page, # <u>4</u> deposition page, # <u>5</u> deposition page, # <u>6</u> deposition page, # <u>7</u> deposition page, # <u>8</u> deposition page)(Rosendorf, Donald); Modified on 4/11/2019 (tth). (Entered: 04/10/2019)
04/11/2019		NOTICE OF ERROR re <u>64</u> Motion for Leave to File; emailed to drosendor@aol.com, cc'd 5 associated attorneys — The PDF file you docketed contained errors: 1. Please refile document, 2. Motion should be filed in the Main Document field. The Proposed Order should be filed using the Attachment field. Additional Attachments should be filed in the next Attachment field. (ztth,) (Entered: 04/11/2019)
04/16/2019	<u>65</u>	MOTION for Leave to File by USMAN JALLOH (Attachments: # <u>1</u> Proposed Order, # <u>2</u> deposition page, # <u>3</u> deposition page, # <u>4</u> deposition page, # <u>5</u> deposition page, # <u>6</u> deposition page, # <u>7</u> deposition page)(Rosendorf, Donald) (Entered: 04/16/2019)
04/16/2019	<u>66</u>	REPLY to opposition to motion re <u>54</u> MOTION for Summary Judgment filed by THOMAS ANDERSON, SEAN MILLER. (Teferi, Gessesse); Modified text and docket entry relationship on 4/17/2019 (tth). (Entered: 04/16/2019)
04/17/2019	<u>67</u>	

		MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Rosendorf, Donald) (Entered: 04/17/2019)
04/17/2019		MINUTE ORDER granting in part Plaintiff's <u>67</u> Motion for Extension of Time. This is Plaintiff's fifth motion for an extension since summary judgment briefing began. Therefore, it is hereby ORDERED that Plaintiff's motion is GRANTED IN PART. It is further ORDERED that Plaintiff shall file his response to Defendants Underwood and Kimball's <u>56</u> Motion for Partial Summary Judgment by April 26, 2019; Defendants Underwood and Kimball shall file their reply by May 3, 2019. Signed by Judge Timothy J. Kelly on 4/17/2019. (lctjk3) (Entered: 04/17/2019)
04/23/2019	<u>68</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to THOMAS ANDERSON, SEAN MILLER. Attorney Gessesse Teferi terminated. (Teferi, Gessesse) (Entered: 04/23/2019)
04/25/2019		NOTICE OF ERROR re <u>68</u> Notice of Withdrawal of Appearance; emailed to gteferi@co.pg.md.us, cc'd 5 associated attorneys — The PDF file you docketed contained errors: 1. Attorney Stephen L. Whitted has not made an appearance in this case. Please file a Notice of Appearance. (znmw,) (Entered: 04/25/2019)
04/26/2019	<u>69</u>	Memorandum in opposition to re <u>56</u> MOTION for Partial Summary Judgment filed by USMAN JALLOH. (Attachments: # <u>1</u> interrogatory answer, # <u>2</u> deposition page, # <u>3</u> Underwood ER report, # <u>4</u> Underwood Dep page, # <u>5</u> Order)(Rosendorf, Donald) (Entered: 04/26/2019)
05/03/2019	<u>70</u>	REPLY to opposition to motion re <u>56</u> MOTION for Partial Summary Judgment filed by ARTHUR KIMBALL, ROBERT UNDERWOOD. (Jackson, David) (Entered: 05/03/2019)
05/10/2019	<u>71</u>	NOTICE of Appearance by Stephen E. Whitted on behalf of THOMAS ANDERSON, SEAN MILLER (Whitted, Stephen); Modified text on 5/13/2019 (tth). (Entered: 05/10/2019)
03/20/2020		MINUTE ORDER granting, upon a showing of excusable neglect, Plaintiff's <u>65</u> Motion for Leave to File. Plaintiff's documents are deemed timely filed, and the Court accepts the filing nunc pro tunc. Signed by Judge Timothy J. Kelly on 3/20/2020. (lctjk3) (Entered: 03/20/2020)
05/22/2020	<u>72</u>	MEMORANDUM OPINION AND ORDER granting in part and denying in part Defendants' <u>54</u> Motion for Summary Judgment and <u>56</u> Motion for Partial Summary Judgment. See Order for details. Signed by Judge Timothy J. Kelly on 5/22/2020. (lctjk3) (Entered: 05/22/2020)
07/21/2020	<u>73</u>	MOTION for Extension of Time to <i>File Supplemental Summary Judgment Motion in Response to May 22, 2020 Memorandum Opinion and Order</i> by ARTHUR KIMBALL, ROBERT UNDERWOOD (Attachments: # <u>1</u> Text of Proposed Order)(Jackson, David) (Entered: 07/21/2020)
07/23/2020		MINUTE ORDER treating as opposed and granting, nunc pro tunc and for good cause shown, the District Defendants' <u>73</u> Motion for Extension of Time. It is hereby ORDERED that the District Defendants shall file their supplemental motion for summary judgment by July 24, 2020. Signed by Judge Timothy J. Kelly on 7/23/2020. (lctjk3) (Entered: 07/23/2020)
07/23/2020	<u>74</u>	MOTION to Amend/Correct by USMAN JALLOH (Rosendorf, Donald) (Entered: 07/23/2020)

07/24/2020		MINUTE ORDER granting, upon a showing of excusable neglect, Plaintiff's <u>74</u> Motion for Extension of Time. Plaintiff's counsel represents that he was unable to move to amend Plaintiff's complaint by the June 21, 2020 deadline due to medical reasons outside his control: he was hospitalized for a week in mid-June, underwent surgery, and experienced complications in the surgery's aftermath. Additionally, Plaintiff represents that intends to amend his complaint to assert failure to provide medical care claims under the Fifth and Fourteenth Amendments, rather than the Fourth Amendment. This will not prejudice the defendants; rather, it will narrow the issues in dispute. Therefore, it is hereby ORDERED that Plaintiff's <u>74</u> Motion for Extension of Time is GRANTED. Plaintiff shall move to amend his complaint by July 28, 2020. It is further ORDERED that Defendants may file renewed motions for summary judgment by August 28, 2020. Signed by Judge Timothy J. Kelly on 7/24/2020. (lctjk3) (Entered: 07/24/2020)
07/28/2020	<u>75</u>	AMENDED COMPLAINT against All Defendants with Jury Demand filed by USMAN JALLOH.(Rosendorf, Donald) (Entered: 07/28/2020)
08/11/2020	<u>76</u>	ANSWER to <u>75</u> Amended Complaint by ARTHUR KIMBALL, ROBERT UNDERWOOD.(Jackson, David) (Entered: 08/11/2020)
08/13/2020	<u>77</u>	Amended ANSWER to Complaint by ROBERT UNDERWOOD.(Whitted, Stephen) (Entered: 08/13/2020)
08/25/2020	<u>78</u>	NOTICE of Change of Address by David A. Jackson (Jackson, David) (Entered: 08/25/2020)
08/28/2020	<u>79</u>	MOTION for Summary Judgment by THOMAS ANDERSON (Attachments: # <u>1</u> Memorandum in Support)(Whitted, Stephen) (Entered: 08/28/2020)
08/28/2020	<u>80</u>	Supplemental MOTION for Partial Summary Judgment by ARTHUR KIMBALL, ROBERT UNDERWOOD (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Ex. 12-Plaintiff's Dep. Tr., # <u>3</u> Exhibit Ex. 13-Kimball's Dep. Tr., # <u>4</u> Exhibit Ex. 14-Underwood's Dep. Tr., # <u>5</u> Exhibit Ex. 15-Email, # <u>6</u> Text of Proposed Order, # <u>7</u> Statement of Facts)(Jackson, David) (Entered: 08/28/2020)
09/10/2020	<u>81</u>	MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Rosendorf, Donald) (Entered: 09/10/2020)
09/11/2020		MINUTE ORDER granting, for good cause shown, Plaintiff's <u>81</u> Consent Motion for Extension of Time. It is hereby ORDERED that Plaintiff shall file his oppositions to Defendants' <u>79</u> <u>80</u> Motions for Summary Judgment by September 22, 2020. Signed by Judge Timothy J. Kelly on 9/11/2020. (lctjk3) (Entered: 09/11/2020)
09/22/2020	<u>82</u>	MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Rosendorf, Donald) (Entered: 09/22/2020)
09/23/2020		MINUTE ORDER granting, for good cause shown, Plaintiff's <u>82</u> Consent Motion for Extension of Time. It is hereby ORDERED that Plaintiff shall file his oppositions to Defendants' <u>79</u> <u>80</u> Motions for Summary Judgment by September 29, 2020. Signed by Judge Timothy J. Kelly on 9/23/2020. (lctjk3) (Entered: 09/23/2020)
09/29/2020	<u>83</u>	MOTION for Extension of Time to File Response/Reply by USMAN JALLOH (Rosendorf, Donald) (Entered: 09/29/2020)
09/29/2020	<u>84</u>	ENTERED IN ERROR.....NOTICE of Proposed Order by USMAN JALLOH (Attachments: # <u>1</u> Motion for Extension of Time)(Rosendorf, Donald) Modified to

		enter in error on 10/1/2020; entry is a duplicate of <u>83</u> . (znmw). (Entered: 09/29/2020)
09/29/2020		MINUTE ORDER granting, for good cause shown, Plaintiff's <u>83</u> Motion for Extension of Time. It is hereby ORDERED that Plaintiff shall file his oppositions to Defendants' <u>79</u> <u>80</u> Motions for Summary Judgment by October 1, 2020. The Court will grant no further extensions of this deadline. Signed by Judge Timothy J. Kelly on 9/29/2020. (lctjk3) (Entered: 09/29/2020)
09/30/2020	<u>85</u>	Memorandum in opposition to re <u>83</u> MOTION for Extension of Time to File Response/Reply filed by USMAN JALLOH. (Attachments: # <u>1</u> Interrogatory Answer, # <u>2</u> Deposition page, # <u>3</u> deposition page, # <u>4</u> deposition page)(Rosendorf, Donald) (Entered: 09/30/2020)
10/01/2020	<u>86</u>	Memorandum in opposition to re <u>80</u> Supplemental MOTION for Partial Summary Judgment filed by USMAN JALLOH. (Attachments: # <u>1</u> Interrogatory Answer, # <u>2</u> medical record)(Rosendorf, Donald) (Entered: 10/01/2020)
10/07/2020	<u>87</u>	REPLY to opposition to motion re <u>79</u> MOTION for Summary Judgment filed by THOMAS ANDERSON. (Whitted, Stephen) (Entered: 10/07/2020)
10/08/2020	<u>88</u>	REPLY to opposition to motion re <u>80</u> Supplemental MOTION for Partial Summary Judgment filed by ARTHUR KIMBALL, ROBERT UNDERWOOD. (Jackson, David) (Entered: 10/08/2020)
03/02/2021	<u>89</u>	MEMORANDUM ORDER granting <u>79</u> Motion for Summary Judgment and <u>80</u> Supplemental Motion for Partial Summary Judgment and ordering that the parties submit a joint status report by April 16, 2021. See Order for details. Signed by Judge Timothy J. Kelly on 03/02/2021. (lctjk3) (Entered: 03/02/2021)
04/15/2021	<u>90</u>	Joint STATUS REPORT by ARTHUR KIMBALL, ROBERT UNDERWOOD. (Jackson, David) (Entered: 04/15/2021)
04/23/2021		MINUTE ORDER: Upon consideration of the parties' <u>90</u> Joint Status Report, it is hereby ORDERED that this case is referred to the Circuit Executive Mediation Program for a period beginning on the date of this Order and ending on July 23, 2021. It is further ORDERED that the parties shall contact Carolyn Lerner, the Chief Circuit Mediator, on or before April 28, 2021, to schedule a mediation as soon as the schedules of the parties and the mediator permit. It is further ORDERED that the parties shall jointly file a status report regarding the status of the mediation by July 27, 2021, or within two days of completion of the mediation, whichever is earlier, unless a stipulation of dismissal is filed sooner. Signed by Judge Timothy J. Kelly on 04/23/2021. (lctjk3) (Entered: 04/23/2021)
04/23/2021		Set/Reset Deadlines: Mediation to conclude by 7/23/2021. Joint Status Report due by 7/27/2021. (zkh) (Entered: 04/23/2021)
04/29/2021	<u>91</u>	STANDING ORDER. See Order for details. Signed by Judge Timothy J. Kelly on 04/29/2021. (lctjk3) (Entered: 04/29/2021)
07/21/2021	<u>92</u>	STATUS REPORT by USMAN JALLOH. (Rosendorf, Donald) (Entered: 07/21/2021)
07/23/2021		MINUTE ORDER: In light of the parties' <u>92</u> Joint Mediation Status Report, it is hereby ORDERED that a status conference is set for July 30, 2021, at 3:00 p.m. to be held via teleconference. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to appear.

		Signed by Judge Timothy J. Kelly on 07/23/2021. (lctjk3) (Entered: 07/23/2021)
07/30/2021		MINUTE ORDER: It is hereby ORDERED that the status conference set for July 30, 2021, at 3:00 p.m. is CONTINUED until August 18, 2021, at 10:00 a.m. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to appear. Signed by Judge Timothy J. Kelly on 07/30/2021. (lctjk3) (Entered: 07/30/2021)
08/18/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: Telephonic Status Conference held on 8/18/2021. Motions in Limine due by 9/27/2021. Responses due by 10/12/2021. Any Replies due by 10/19/2021. Joint Pretrial Statement due by 11/1/2021. Scheduling Order to be entered by the court. VTC Pretrial Conference/Motions Hearing set for 11/17/2021 at 2:00 PM before Judge Timothy J. Kelly. (Court Reporter: Timothy Miller) (zkh) (Entered: 08/18/2021)
08/18/2021	<u>93</u>	SCHEDULING ORDER: See Order for details. Signed by Judge Timothy J. Kelly on 08/18/2021. (lctjk3) (Entered: 08/18/2021)
09/27/2021	<u>94</u>	MOTION in Limine by ARTHUR KIMBALL, ROBERT UNDERWOOD. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Ex 1-Anderson Dep TR, # <u>3</u> Ex 2-Pl Ans to Anderson INT, # <u>4</u> Ex 3-Pl Ans to Underwood INT, # <u>5</u> Ex 4-Plaintiff Dep Tr, # <u>6</u> Ex 5-June 4 2021 Email, # <u>7</u> Text of Proposed Order)(Jackson, David) (Entered: 09/27/2021)
09/27/2021	<u>95</u>	MOTION for Adverse Inference Jury Instruction by ARTHUR KIMBALL, ROBERT UNDERWOOD. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Ex 1-Plaintiff Dep Tr, # <u>3</u> Text of Proposed Order)(Jackson, David) (Entered: 09/27/2021)
10/12/2021	<u>96</u>	MOTION for Extension of Time to File Response re <u>95</u> MOTION for Adverse Inference Jury Instruction filed by USMAN JALLOH. (Rosendorf, Donald); Modified docketing event and text on 10/20/2021 (zttt). (Entered: 10/12/2021)
10/12/2021	<u>97</u>	MOTION for Extension of Time to File Response/Reply to Motion in Limine by USMAN JALLOH. (Rosendorf, Donald) (Entered: 10/12/2021)
10/14/2021		MINUTE ORDER: It is hereby ORDERED, <i>nunc pro tunc</i> and for good cause shown, that Plaintiff's <u>97</u> Motion for Extension of Time is GRANTED. Plaintiff shall file his opposition by October 15, 2021. Signed by Judge Timothy J. Kelly on 10/14/2021. (lctjk3) (Entered: 10/14/2021)
10/15/2021		MINUTE ORDER: It is hereby ORDERED, <i>nunc pro tunc</i> and for good cause shown, that Plaintiff's <u>96</u> Motion for Extension of Time is GRANTED. Plaintiff shall file his opposition by October 15, 2021. Signed by Judge Timothy J. Kelly on 10/15/2021. (lctjk3) (Entered: 10/15/2021)
10/15/2021	<u>98</u>	Memorandum in opposition to re <u>94</u> MOTION in Limine filed by USMAN JALLOH. (Rosendorf, Donald) (Entered: 10/15/2021)
10/19/2021	<u>99</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>94</u> MOTION in Limine by ARTHUR KIMBALL, ROBERT UNDERWOOD. (Attachments: # <u>1</u> Text of Proposed Order)(Jackson, David) (Entered: 10/19/2021)
10/20/2021		MINUTE ORDER: It is hereby ORDERED, <i>nunc pro tunc</i> and for good cause shown, that Defendants' <u>99</u> Consent Motion for Extension of Time is GRANTED. Defendants shall file their reply by October 22, 2021. Signed by Judge Timothy J. Kelly on 10/20/2021. (lctjk3) (Entered: 10/20/2021)

10/22/2021	<u>100</u>	REPLY to opposition to motion re <u>94</u> MOTION in Limine filed by ARTHUR KIMBALL, ROBERT UNDERWOOD. (Jackson, David) (Entered: 10/22/2021)
10/28/2021	<u>101</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Russell A. King, Jr on behalf of THOMAS ANDERSON, SEAN MILLER Substituting for attorney Stephen E. Whitted (King, Russell) (Entered: 10/28/2021)
10/28/2021	<u>102</u>	MOTION for Scheduling Order <i>Amendment</i> by THOMAS ANDERSON, SEAN MILLER. (Attachments: # <u>1</u> Text of Proposed Order)(King, Russell) (Entered: 10/28/2021)
10/29/2021		MINUTE ORDER: It is hereby ORDERED that the parties' <u>102</u> Consent Motion to Amend Pretrial Scheduling Order is GRANTED. The parties shall file a Joint Pretrial Statement by December 16, 2021, and the VTC Pretrial Conference will now take place on January 5, 2022, at 2:00 PM. Signed by Judge Timothy J. Kelly on 10/29/2021. (lctjk3) (Entered: 10/29/2021)
11/30/2021	<u>103</u>	NOTICE of Appearance by Benjamin E. Rupert on behalf of THOMAS ANDERSON, SEAN MILLER (Rupert, Benjamin) (Main Document 103 replaced on 12/2/2021) (zeg). (Entered: 11/30/2021)
12/13/2021	<u>104</u>	MOTION for Extension of Time to File by USMAN JALLOH. (Rosendorf, Donald) (Entered: 12/13/2021)
12/14/2021		MINUTE ORDER granting, for good cause shown, Plaintiff's <u>104</u> Consent Motion for Extension of Time. It is hereby ORDERED that the parties shall file their Joint Pretrial Statement by January 7, 2022, and the VTC Pretrial Conference previously scheduled for January 5, 2022, will now take place on January 28, 2022, at 2:00 p.m. Signed by Judge Timothy J. Kelly on 12/14/2021. (lctjk3) (Entered: 12/14/2021)
01/07/2022	<u>105</u>	MOTION for Extension of Time to File by USMAN JALLOH. (Rosendorf, Donald) (Entered: 01/07/2022)
01/11/2022		MINUTE ORDER: It is hereby ORDERED, <i>nunc pro tunc</i> and for good cause shown, that the <u>105</u> Joint Motion for Extension of Time is GRANTED. It is further ORDERED that the parties shall file their joint pretrial statement by January 14, 2022. Signed by Judge Timothy J. Kelly on 1/11/2022. (lctjk3) (Entered: 01/11/2022)
01/14/2022	<u>106</u>	ENTERED IN ERROR.....TRIAL BRIEF by USMAN JALLOH. (Attachments: # <u>1</u> jury instructions, # <u>2</u> 1983 instructions, # <u>3</u> jury questions, # <u>4</u> verdict sheet)(Rosendorf, Donald); Modified on 1/20/2022 (ztth). (Entered: 01/14/2022)
01/18/2022	<u>107</u>	NOTICE by USMAN JALLOH (Rosendorf, Donald) (Entered: 01/18/2022)
01/18/2022	<u>108</u>	PRETRIAL STATEMENT by USMAN JALLOH. (Attachments: # <u>1</u> jury instructions, # <u>2</u> 1983 Instructions, # <u>3</u> D.C. voir dire, # <u>4</u> verdict sheet)(Rosendorf, Donald) (Entered: 01/18/2022)
01/20/2022		NOTICE OF CORRECTED DOCKET ENTRY: re <u>106</u> Trial Brief was entered in error. Said pleading was refiled as docket entry <u>108</u> . (ztth) (Entered: 01/20/2022)
01/26/2022		MINUTE ORDER: Due to the recent spike in COVID-19 cases that has made it unlikely that the Court will be able to try this multi-defendant civil case in the near future consistent with the public health, <i>see, e.g.</i> , Standing Order 22-04 (January 20, 2022), it is hereby ORDERED that the Pretrial Conference and Motions Hearing set for January 28, 2022, is CONVERTED to a status conference. At the status

		conference, the parties shall be prepared to reschedule the Pretrial Conference and Motions Hearing as well as set a trial date close in time to the Pretrial Conference and Motions Hearing. Signed by Judge Timothy J. Kelly on 1/26/2022. (lctjk3) (Entered: 01/26/2022)
01/26/2022		Set/Reset Hearings: VTC Status Conference set for 1/28/2022 at 2:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 01/26/2022)
01/28/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference held on 1/28/2022. VTC Status Conference set for 7/13/2022 at 11:30 AM before Judge Timothy J. Kelly. Exhibits due by 9/14/2022. Pretrial Conference set for 9/28/2022 at 2:00 PM in Courtroom 11 before Judge Timothy J. Kelly. Jury Selection/Trial set to commence on 10/11/2022 at 9:00 AM in Courtroom 11 before Judge Timothy J. Kelly. (Court Reporter: Timothy Miller) (zkh) (Entered: 01/28/2022)
01/28/2022	<u>109</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to THOMAS ANDERSON, SEAN MILLER. Attorney Russell A. King, Jr terminated. (Rupert, Benjamin) (Entered: 01/28/2022)
02/01/2022		MINUTE ORDER: As discussed at the status conference on January 28, 2022, trial in this case is not set to begin until October 2022 due to the effect of the COVID-19 pandemic on the Court's calendar. <i>See, e.g.</i> , Standing Order 22-04 (January 20, 2022). Accordingly, it is hereby ORDERED that the case is STAYED until the next status conference on July 13, 2022. Signed by Judge Timothy J. Kelly on 2/1/2022. (lctjk3) (Entered: 02/01/2022)
02/01/2022		Case Stayed. (zkh) (Entered: 02/01/2022)
07/13/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference held on 7/13/2022. Plaintiff's Motion due by 8/1/2022. (Court Reporter: Sara Wick) (zkh) (Entered: 07/13/2022)
07/13/2022		Case Unstayed. (zkh) (Entered: 07/13/2022)
07/13/2022	<u>110</u>	NOTICE of Appearance by Tyler Gerstein on behalf of ARTHUR KIMBALL, ROBERT UNDERWOOD (Gerstein, Tyler) (Entered: 07/13/2022)
07/18/2022		MINUTE ORDER: As discussed at the status conference on July 13, 2022, the pretrial conference and motions hearing remains set for September 28, 2022, and trial remains set for October 11, 2022. It is hereby ORDERED that the case is STAYED until further order of the Court. Signed by Judge Timothy J. Kelly on 7/18/2022. (lctjk3) (Entered: 07/18/2022)
07/18/2022		Case Stayed. (zkh) (Entered: 07/19/2022)
08/01/2022	<u>111</u>	MOTION Reinstate dismissed count by USMAN JALLOH. (Attachments: # <u>1</u> Motion to reinstate count)(Rosendorf, Donald) (Entered: 08/01/2022)
08/09/2022	<u>112</u>	Memorandum in opposition to re <u>111</u> Motion for Miscellaneous Relief filed by ROBERT UNDERWOOD. (Jackson, David) (Entered: 08/09/2022)
08/16/2022	<u>113</u>	REPLY to opposition to motion filed by USMAN JALLOH. (Attachments: # <u>1</u> Reply to opposition, # <u>2</u> Dep Exhibit, # <u>3</u> Dep exhibit, # <u>4</u> Dep pages)(Rosendorf, Donald) (Entered: 08/16/2022)
08/24/2022	<u>114</u>	

		NOTICE of Omission by USMAN JALLOH (Rosendorf, Donald) (Entered: 08/24/2022)
08/29/2022	<u>115</u>	Consent MOTION for Leave to File <i>Sur-Reply</i> by ROBERT UNDERWOOD. (Gerstein, Tyler) (Entered: 08/29/2022)
08/30/2022		MINUTE ORDER granting Defendant Robert Underwood's <u>115</u> Consent Motion for Leave to File <i>Sur-Reply</i> . It is hereby ORDERED, for good cause shown, that Defendant Robert Underwood's <u>115</u> Consent Motion is GRANTED. Defendant shall file his <i>sur-reply</i> by September 6, 2022. Signed by Judge Timothy J. Kelly on 8/30/2022. (lctjk3) (Entered: 08/30/2022)
09/06/2022	<u>116</u>	SURREPLY to re <u>111</u> MOTION Reinstate dismissed count <i>for Malicious Prosecution</i> filed by ROBERT UNDERWOOD. (Jackson, David) (Entered: 09/06/2022)
09/13/2022	<u>117</u>	MOTION for Extension of Time to <i>deliver exhibits</i> by USMAN JALLOH. (Rosendorf, Donald) (Entered: 09/13/2022)
09/14/2022		MINUTE ORDER granting Plaintiff's <u>117</u> Consent Motion for Extension of Time. It is hereby ORDERED, for good cause shown, that Plaintiff's <u>117</u> Consent Motion is GRANTED. The parties shall submit their exhibits by September 16, 2022. Signed by Judge Timothy J. Kelly on 9/14/2022. (lctjk3) (Entered: 09/14/2022)
09/15/2022	<u>118</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Elizabeth L. Adams, Filing fee \$ 100, receipt number ADCDC-9521454. Fee Status: Fee Paid. by THOMAS ANDERSON, SEAN MILLER. (Attachments: # <u>1</u> Declaration, # <u>2</u> Supplement Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Rupert, Benjamin) (Entered: 09/15/2022)
09/16/2022		MINUTE ORDER granting Defendants Thomas Anderson and Sean Miller's <u>118</u> Motion for Leave to Appear Pro Hac Vice. Attorney Elizabeth Lynn Adams is hereby admitted pro hac vice in this matter to appear for Defendants Thomas Anderson and Sean Miller. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions . Signed by Judge Timothy J. Kelly on 9/16/2022. (lctjk3) (Entered: 09/16/2022)
09/16/2022	<u>119</u>	NOTICE Regarding <i>Defendants' Exhibits</i> by ARTHUR KIMBALL, ROBERT UNDERWOOD (Gerstein, Tyler) (Entered: 09/16/2022)
09/16/2022	<u>120</u>	NOTICE of <i>filing Exhibits and Designations</i> by USMAN JALLOH (Rosendorf, Donald) (Entered: 09/16/2022)
09/20/2022		MINUTE ORDER granting Plaintiff's <u>111</u> Motion to Reinstate Count as to Defendant Robert Underwood. Plaintiff asks the Court to reinstate his malicious prosecution claim (Count IV) against Officer Underwood. ECF No. 111. On May 22, 2020, the Court granted Officer Underwood summary judgment on this claim because Plaintiff had not shown that the underlying criminal proceedings were favorably terminated due to his innocence. <i>See</i> ECF No. 72 at 9. Plaintiff argues that the Court should reinstate the claim in light of <i>Thompson v. Clark</i> , in which the Supreme Court held that a plaintiff need not provide "an affirmative indication of innocence" to sustain a malicious prosecution claim. 142 S. Ct. 1332, 1340 (2022); <i>see</i> ECF No. 111. Even so, Officer Underwood says Plaintiff's malicious prosecution claim fails as a matter of law because there was probable cause for his arrest and subsequent criminal proceedings and therefore no predicate constitutional violation. <i>See</i> ECF No. 112 at 3. For section 1983 claims, "[t]he existence of probable cause is a mixed question of law

		and fact," <i>Pitt v. District of Columbia</i> , 491 F.3d 494, 502 (D.C. Cir. 2007), and an issue that "the trial court should ordinarily leave to the jury," <i>Amobi v. D.C. Dep't of Corr.</i> , 755 F.3d 980, 990 (D.C. Cir. 2014) (cleaned up). "Only where the facts are undisputed or clearly established does probable cause become a question of law for the court." <i>Amobi</i> , 755 F.3d at 990. Here, although it is a close call, the Court finds that the facts surrounding Plaintiff's encounter with Defendants are not clearly enough established. For example, Plaintiff alleges that Officer Underwood pointed his gun at Plaintiff prior to Plaintiff driving away, but on this record the Court cannot tell if Officer Underwood disputes that allegation. <i>See, e.g.</i> , ECF No. 56–3 at 4; No. 56–1 at 4. Moreover, the speed at which Plaintiff drove away from Officer Underwood, Plaintiff's alleged inability to pull over immediately due to other cars in the road, the distance Plaintiff travelled before eventually stopping, and exactly when other officers became involved are not "clearly established" on this record. <i>See, e.g.</i> , ECF No. 63 at 2–3; No. 56–2 at 3. The factual disputes here "make[] it impossible to evaluate the totality of the circumstances at the time of the arrest[], and therefore the Court cannot determine as matter of law whether [the defendant officers] had probable cause to arrest" Plaintiff. <i>Bolger v. District of Columbia</i> , 608 F. Supp. 2d 10, 21 (D.D.C. 2009) (citation omitted); <i>see Dingle v. District of Columbia</i> , 571 F. Supp. 2d 87, 96 (D.D.C. 2008) (denying summary judgment on section 1983 claim due to factual disputes surrounding arrest). Accordingly, it is hereby ORDERED that Plaintiff's <u>111</u> motion is GRANTED and that his malicious prosecution claim is reinstated as to Officer Underwood. Signed by Judge Timothy J. Kelly on 9/20/2022. (lctjk3) (Entered: 09/20/2022)
09/20/2022	<u>121</u>	NOTICE <i>Praecipe Regarding Additional Witness</i> by ARTHUR KIMBALL, ROBERT UNDERWOOD re <u>108</u> Pretrial Statement (Jackson, David) (Entered: 09/20/2022)
09/23/2022	<u>122</u>	NOTICE of Appearance by Elizabeth Adams on behalf of THOMAS ANDERSON, SEAN MILLER (Adams, Elizabeth) (Entered: 09/23/2022)
09/27/2022	<u>123</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Martin Rosendorf, Fee Status: \$100.00 Fee Paid on 9/28. Receipt No. 203105 by USMAN JALLOH. (Attachments: # <u>1</u> Declaration, # <u>2</u> Certificate of standing, # <u>3</u> Admission Order)(Rosendorf, Donald) Modified text on 9/29/2022 (ztth). (Entered: 09/27/2022)
09/28/2022		MINUTE ORDER granting Plaintiff's <u>123</u> Motion for Leave to Appear Pro Hac Vice. Attorney Martin W. Rosendorf is hereby admitted <i>pro hac vice</i> in this matter to appear for Plaintiff. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions . Signed by Judge Timothy J. Kelly on 9/28/2022. (lctjk3) (Entered: 09/28/2022)
09/28/2022		Minute Entry for proceedings held before Judge Timothy J. Kelly: Initial Pretrial Conference held on 9/28/2022. For the reasons stated on the record, Defendants' <u>94</u> MOTION in Limine is DENIED IN PART AND RESERVED IN PART, and Defendants' <u>95</u> MOTION for Adverse Inference Jury Instruction is GRANTED. Supplemental Submission by Defendants due by 10/4/2022. Plaintiff's Response, if any, due by 10/6/2022. Final Pretrial Conference set for 10/7/2022 at 11:00 AM in Courtroom 11 before Judge Timothy J. Kelly. (Court Reporter: Tammy Nestor) (zkh) (Entered: 09/28/2022)
09/30/2022	<u>124</u>	NOTICE <i>Praecipe Regarding Joint Statement of the Case</i> by ARTHUR KIMBALL, ROBERT UNDERWOOD re <u>108</u> Pretrial Statement (Attachments: # <u>1</u> Joint Statement of the Case)(Jackson, David) (Entered: 09/30/2022)

09/30/2022	<u>125</u>	TRANSCRIPT OF PROCEEDINGS before Judge Timothy J. Kelly held on 9/28/22; Court Reporter/Transcriber tammy_nestor@dcd.uscourts.gov, Telephone number 2023543127, Transcripts may be ordered by submitting the
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Usman Jalloh

Plaintiff

vs.

Civil Action No. 16-1613

Robert Underwood, et al.

Defendant

NOTICE OF APPEAL

Notice is hereby given this 11th day of May, 2023, that

Usman Jalloh

hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from

the judgment of this Court entered on the 16th day of December, 2023

in favor of Robert Underwood, et al.

against said Usman Jalloh

Donald F. Rosendorf

Attorney or Pro Se Litigant

7721 Tremayne Place #110

McLean, VA 22102

703-903-9379

Address and Phone Number

(Pursuant to Rule 4(a) of the Federal Rules of Appellate Procedure a notice of appeal in a civil action must be filed within 30 days after the date of entry of judgment or 60 days if the United States or officer or agency is a party)

CLERK Please mail copies of the above Notice of Appeal to the following at the addresses indicated:

davida.jackson@dc.gov

tyler.gerstein@dc.gov

eladams@co.pg.md.us

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

USMAN JALLOH

Plaintiff

Civil Case No. 1:16-cv-01613

v.

TJ K

OFFICER ROBERT C. UNDERWOOD, et al.

Defendants

PLAINTIFF'S NOTICE OF CORRECTING FILING ERROR IN
PLAINTIFF'S NOTICE OF APPEAL

On January 13, 2023, Plaintiff filed his notice of appeal from the Court's Order of December 16th, 2022, denying Plaintiff's Motion for New Trial in the above-captioned case. The Notice stated that the appeal was to the United States Court for the District of Columbia Circuit, opposing counsel received notice of the filing. The filing was accepted by the ECF system.

On January 18, 2023, the clerk's office filed a notice stating the filing was in error but did not state what the error was. Counsel for Plaintiff did not receive electronic notice of the filing in error and was not aware of it. On April 24, 2023, counsel called the clerk's office to ask about transferring the D.C. Circuit Court of Appeals and, also, to

inform the clerk's office, that not all the trial transcripts counsel had ordered in January had been received. Counsel was informed that nothing had been done because he had filed the Notice in error. He was not informed specifically what the error was or how to correct it.

In a subsequent phone call to the clerk's office, counsel was informed that he had filed the Notice of Appeal in the wrong category. The Notice of Appeal was filed in the "Notice" category. Counsel was informed that it should have been filed in the "Other" category. The "Other" category has a link called "Notice of Appeal to United States Court of Appeals and that is where it should have been filed.

Plaintiff is hereby giving notice that the Notice of Appeal will be refiled in the correct category. The initial filing on January 13, 2023, was electronically served on counsel of record for all defendants. So they are aware of the initial filing.

/s/Donald F. Rosendorf
Donald F. Rosendorf (DCB 54254)
7721 Tremayne Place #110
McLean, VA 22102
703-903-9379
drosendor@aol.com

CERTIFICATE OF SERVICE

I hereby certify that the above Notice of Filing Error Correction
has been served on all counsel of record for defendants through the
Court's electronic filing system this 11th day of May, 2023.

/s/Donald F. Rosendorf
Donald F. Rosendorf

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

USMAN JALLOH,

Plaintiff,

v.

ROBERT UNDERWOOD et al.,

Defendants.

Civil Action No. 16-1613 (TJK)

MEMORANDUM ORDER

After a five-day trial, the jury returned a verdict for all Defendants on all counts. Plaintiff now moves for a new trial, contending that the verdict bucked the weight of the evidence and that the Court erred in two other ways. ECF No. 142 at 7–13. For the reasons explained below, the Court will deny the Motion.

I. Legal Standard

Under Federal Rule of Civil Procedure 59(a)(1)(A), the Court may order a new trial “for any reason for which a new trial has [historically] been granted in an action at law in federal court.” That standard requires “a manifest error of law or fact.” *In re Lorazepam & Clorazepate Antitrust Litig.*, 467 F. Supp. 2d 74, 87 (D.D.C. 2006). A factual error of that magnitude occurs where a verdict contradicts “evidence and all reasonable inferences that can be drawn therefrom” that are “so one-sided that reasonable men and women could not disagree.” *Lane v. District of Columbia*, 887 F.3d 480, 486 (D.C. Cir. 2018) (quotation omitted). Thus, a court should not grant a new trial if some evidence “support[ed] the jurors’ decision.” *Vander Zee v. Karabatsos*, 589 F.2d 723, 729 (D.C. Cir. 1978); *see also Hutchinson v. Stuckey*, 952 F.2d 1418, 1421 (D.C. Cir. 1992).

II. Analysis

A. The Weight of Evidence Favored Defendants

There was ample supporting evidence here. Plaintiff seeks to revisit the jurors' findings that he was not subject to excessive force and that he was not prosecuted maliciously. ECF No. 142 at 7–12. But the jury reviewed, among other things, dash-cam footage of the use of force and heard the testimony of the officers involved. The officers unequivocally denied assaulting Plaintiff in the way he alleged and supported the claim that Plaintiff had struck one of them with his truck before they stopped him. That evidence related to both claims at issue, including malicious prosecution, because it could have established both malice toward Plaintiff and a lack of probable cause for the assault on the officer. *See Pitt v. District of Columbia*, 491 F.3d 494, 501–04 (D.C. Cir. 2007). Having reviewed the evidence and observed the proceedings, the Court finds that the jury's verdict did not buck the great weight of evidence—to the contrary, it was consistent with it.

B. The Court's Other Rulings Did Not Undermine the Trial's Fairness

Plaintiff also takes issue with the Court's rulings (or lack thereof) in two other matters. ECF No. 142 at 12–13. He says (1) the Court should have “correct[ed]” Defendants' “misstatement” of potentially relevant law and (2) the Court should have admitted an exhibit after the close of evidence. *Id* (capitalization altered). The Court disagrees.

On the first point, as he concedes, Plaintiff's counsel failed to object when two of the Defendant officers explained their reasons for not arresting Plaintiff, after he fled to Maryland, for his purported assault of one of the officers in the District of Columbia. ECF No. 142 at 9 (noting that his counsel “wasn't sure and didn't want to make an objection he couldn't back up”). Although their testimony was not exactly clear on this point, the officers testified that they did not arrest Plaintiff due to legal or policy constraints that scenario presents. Plaintiff's counsel did not

seek to cross-examine the officers on this point either, which would have been appropriate. *See Brocatto v. Trimble*, No. 11-CV-3547 (AJG), 2016 WL 1275064, at *5 (C.D. Cal. Mar. 31, 2016) (“[F]alsity is a basis for cross examination, not objection.”).

Because Plaintiff did not timely object, a new trial can be granted based on this issue only if the supposed error was “so fundamental that gross injustice would result.” *Queen v. Schultz*, 310 F.R.D. 10, 27–28 (D.D.C. 2015) (quotation omitted). That standard is not nearly met here. The Court committed no error in allowing the officers to describe why they acted the way they did. Moreover, it is not clear that their testimony concerned the exact point of Maryland law that Plaintiff raises now. But even if it did, and even if the officers were mistaken in some way, it is not the Court’s job to interrupt the trial to explain to them that they were mistaken. That is what cross-examination is for. There was no error here, let alone one that “affect[ed] the essential fairness of the trial.” *McDonough Power Equip., Inc. v. Greenwood*, 464 U.S. 548, 553 (1984).¹

On the second point, Plaintiff’s grievance again originates with his counsel’s performance. This time, he complains of a failure to move to admit an exhibit before resting his case. ECF No. 142 at 13. But the close of evidence is aptly named. The Court was not required to admit evidence afterward—especially after Plaintiff’s counsel delayed the pretrial and trial proceedings repeatedly by, among other things, failing to keep track of his exhibits and failing to provide accurate copies

¹ Plaintiff’s counsel *did* object when counsel for two of the Defendants referenced this testimony in his closing argument by representing that the law did not allow the officers to arrest Plaintiff in Maryland. But at that point there was no basis to object to testimony already in evidence, regardless of whether it mischaracterized the point of Maryland law that Plaintiff now raises. Defendants were free to argue based on the evidence and reasonable deductions from it. And one officer had testified that the officers did not arrest Plaintiff for “numerous reasons, one being it’s out of our jurisdiction. We cannot take him into custody and bring him back to the District of Columbia without a judge’s order.” Although the Court overruled the objection during the closing, it cautioned defense counsel to stick to the testimony, and then he did so, noting only that the officers had explained why they did not arrest Plaintiff. Again, there was no error here either.

of them to the Court. The Court has inherent “discretion to manage the trial proceedings.” *Teneyck v. Omni Shoreham Hotel*, 365 F.3d 1139, 1155–56 (D.C. Cir. 2004). And although the Court could have used its discretion to reopen the case to admit evidence, “a plaintiff’s failure to . . . produce existing evidence does not ordinarily constitute grounds to reopen a case.” *Wilson v. Good Humor Corp.*, 757 F.2d 1293, 1300 (D.C. Cir. 1985). Refusing to admit Plaintiff’s exhibit after the evidence was closed thus was not “a manifest error of law.” *In re Lorazepam & Clorazepate Antitrust Litig.*, 467 F. Supp. 2d at 87.

Because Plaintiff has not identified any error, let alone a fundamental one, this Court cannot discard the conclusion of “those whose duty it [was] to settle the dispute by choosing what seem[ed] to them to be the most reasonable inference” from the evidence—the jury. *Lavender v. Kurn*, 327 U.S. 645, 653 (1946).

III. Conclusion and Order

For the above reasons, it is hereby **ORDERED** that Plaintiff’s Motion for New Trial, ECF No. 142, is **DENIED**.

/s/ Timothy J. Kelly
TIMOTHY J. KELLY
United States District Judge

Date: December 16, 2022